IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.601 OF 2005
IN
SECOND APPEAL NO. 1388 OF 2004

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 1st April, 2005.

P.C.:

1. Rule. The Respondents waives service.

2. The Second Appeal is already admitted for final hearing. The decree is for possession of the alleged encroached portion. The Decree cannot be allowed to be executed till the Second Appeal is heard.

3. Hence the Civil Application is allowed in terms of prayer clause (b) subject to condition that the Applicant shall not create any third party interests and will not part with possession of the suit property in favour of any third party. No order as to costs.

Judge.